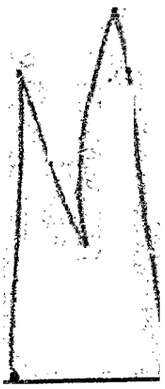
Public (1925) Department.

Mis SERIES.

G.O. No. 360

DATED 19-4-25



[Despatch Abstract.]

Religious dispute

Rivalry between Uppini Mutt
in Bellary Dt and "Tarla Bala
Mutt" in Mysore - Appeal against
the order of the Dist. Bellary supporting
the latter mutt - Interference declined

Forwarded to Govt 1/4/25

CURRENT NO. 1785 PUBLIC

His Excellency the Governor-in-Council,

Fort. St. George, M a d r a s.

(through)

(The Hon'ble The Law Member of the Govt. of Madras,

M a d r a s.

May it Please Your Excellency,

The humble memorial of the 'Panchachar' Lingayats of the village of Uttangi, in the Hadagalli Taluq in the Bellary District, most respectively showeth:--

(1) That among the 'Lingayats' in India, there are 5 great 'Mutts', and 'Ujjini' Mutt situate in the Kudligi Taluq in the Bellary District is one of them. All people of the 'Lingayat' sect are bound to pay homage to those Mutts. They are presided over by 'Gurus' who are from time immemorial are previleged to wear all the sacred insignia of 'Gurushipp' during their tours and marches and such previleges have been for a long time - recognised in their case by the Governments of the day. These processionaal marches equipped with the paraphernalia of spiritual 'Gurus' cannot be resorted to by all and sundry however estimable they may be in the eyes of a few; In the Bellary District the 'Ujjini Swami' is the only 'Spiritual' Guru who is entitled to these honours and previleges at the hands of the Lingayat community.

The Memorialists are the staunch deciples of the said 'Ujjini' Mutt.

(2) That about 40 years ago, there arose in 'Ujjini' a dissenting sect of Lingayats now commonly called 'Sadar' or 'Sadhu' Lingayats

A Sadar follower, Gurupadappa was set up against the Guru of the 'Ujjini' Mutt who picked up a small following and founded a 'Mutt' of what is known as ' Tarla Bala Mutt ' in the Mysore Provinces in opposition to the ' Ujjini ' Guru in the Bellary District. This rival 'Mutt' has not got any peculiar Tenets of its own.

(3) That this rival 'Sadar' Guru of the new 'Tarla Bala Mutt' has been ever since striving his utmost to establish his status as the 'Guru' by dint of Executive and Judicial authorities; with this object in view, the alleged 'Guru' started a procession a long time ago from his 'Mutt' in the Mysore Province and reached a small village close to 'Uttangi' village in the Hadagalli - Taluq. When he and his followers attempted to proceed through the 'Uttangi' village with the paraphernalia of a 'Guru', they were opposed by the members of the much larger sect known as the 'Panchachar' Sect.

It may incidentally be observed that the 'Panchachar' Sect very largely predominates over the 'Sadhu' Sect in numbers in the Bellary District, especially in the village of Uttangi.

(4) That since the year 1890, several attempts have been made by the 'Guru' and his followers to secure a 'license' from the Police and the Magistrate; but all of them have proved abortive. Applications for a license for the procession have been repeatedly filed but have been refused: some times granted and revoked on further consideration and from time to time, the sections 144 and Section 107 C.Pr.Code have been freely and frequently used to prevent such processions; the main ground being that the procession if permitted would be certainly opposed by the people of the 'Panchachar' Sect and that serious riot and copious - bloodshed would be the inevitable result of the same.

(5) That during all this long time the applications made by the 'Sadar' Guru have always been in the end fruitless because the Magistrate and the Police have always quite rightly held that they were primarily concerned with the maintenance of the peace and that, it was no business of theirs to declare or - establish the status of the 'Sadar' Guru.

(6) That resort also was had to Civil Courts: Suits were filed in the Civil Courts for the declaration of the ' Sadar-Swami's ' status as a Guru. The final order of the Civil Courts is contained in the Judgement of the High Court in the second appeals 2496 and 2497 of 13 wherein it declined to grant any such relief but merely declared his right to process through the streets like any other ordinary citizen.

(7) That the first attempt of the 'Sadar Swami' to go in - procession with the paraphernalia pertaining to a ' Guru ' was disallowed by the then Collector of Bellary, R. Sewell in 1890; From that time till about 1910, the 'Sadar' Guru used to visit the village like any ordinary citizen without any paraphernalia to which he is now making pretensions (vide Taluk Magistrate's Order dated 15/4/16).

(8) That about the year 1907 the said 'Sadar' Guru repeatedly attempted to go in procession which he was prohibited from doing by the Executive Authorities. In the year 1910, the then District Magistrate ordered that if he claimed a right to move in procession through any village of the Bellary District with the insignia of a 'Guru' and if his claims was resisted, he should establish his right as such in a Civil Court of - competent Jurisdiction. With this object in view, the said Guru, filed O.S. No.864 of 1910 in the Court of the District Munsiff of Hospet for a decree declaring his right to move in procession through certain villages in the Western Taluqs in

of Bellary District with certain fourteen emblems pertaining to a Guru mentioned therein. The District Munsiff granted the relief prayed for, but in Appeals A.S.No.91 and 101 of 1912, the District Judge set aside the decree of the District Munsiff and the matter was finally disposed of by the High Court in the second Appeals Nos.2496 & 2497 of 1913 by the District Judge Mr. W.W. Philips. Mr. Justice Phillips observed in the para 5 of his Judgement in appeal " The whole purpose of the suit as is disclosed by the pleadings and evidence adduced on both sides is undoubtedly to establish the respondent's status as a 'Guru' and his right to adopt a certain rituals and a declaration of his right which he possesses with the other Members of the public; the procession through the public streets will hardly satisfy his aspirations, nor has he proved that such right has been interfered with." . . . .

It. " Ex.VIII shows that in 1889 respondent's predecessor was prohibited by the District Magistrate by using his P.J. signia in Ujjini and it would appear that he is now trying to extend his sphere of influence under Judicial authority..... I find there is no justification for the grant of injunction". The High Court in the Second appeal above referred to found as follows:- "We think it desirable however, that the Plaintiff's (Sadar-Guru's) title as citizen-subject of His Majesty(and not as a real or alleaged Guru or in any other religious capacity) to join procession with any harmless paraphernalia should be declared in this suit. Though we agree with the learned District Judges that no injunction need be granted we shall therefore give a decree for Plaintiff declaring that he is entitled like any other member of the general public to move in procession through all the public streets within the Jurisdiction of the Dt. Munsiff with any accompaniments subject always to such directions as the Magistrate may lawfully give to prevent obstacles of the thoroughfares and breaches of public peace.

The decree of the High Court was passed on the 1st of Sep.1915.

(9) That subsequent to this decree the attempts made by the said Swami to move in a procession with certain Symbols of a Guru were prohibited by the Taluk Magistrates of Hadagalli Taluq in the years 1916, 1917 and 1918. In 1918, the Deputy Superintendent granted him the license for the procession in the first instance which was afterwards cancelled by him on further - consideration.

(10) That on 13-3-1919 and also on 13-5-1919, the then District Magistrate, Mr. J.I. Smith refused permission for a procession of the 'Sadar' Guru in the following terms:- " The undersigned cannot interfere with the orders already passed by his predecessor in regard to the procession noted above ".

(11) That renewed efforts were made by the same 'Swami' to - secure a license in 1920 before the then Dt. Magistrate, Mr. F.G. MosCardie. In his proceedings dated the 23-4-20, the District Magistrate while refusing the license observed as follows:- " To decide whether petitioners are 'Gurus', if so, whether they are entitled to make any procession and what sort of - procession would be going far beyond the competency of any - Magistrate ".

" The attempt to issue license this breaks down as the conditions are the essential part of such a license and I cannot know what the conditions should be. No license will be issued and the parties are advised not to do anything which may occasion a breach of peace ".

(12) That when fresh attempts were made in the year 1921 towards the same procession, the District Magistrate on or about 5-5-21 issued a prohibition-order restraining the same and similar orders were passed by the Subordinate Magistrate also; In the same

connection, Mr. MosCardie made a reference to the Government in the same year recommending that permanent and authoritative - orders should be passed by them prohibiting the procession in question generally in future.

(13) That the matter was raked up again before the succee ding District Magistrate, Mr. Molary, in 1922 in Cr.Mis.Petition No.1 of 1922, who, in his order dated the 28th of January 1922, while prohibiting the procession found as follows:-

" All that the Courts have decided is that the ' Swami ' has a right like every one else to go through the public streets: This does not confer on him the right to go about with paraphernalia considered by others to be injurious to their feelings . . . . At present, as it appears to me I could only secure his passage with his paraphernalia at the probable cost of bloodshed ".

" My sole forecoccupation is to prevent a riot and so long as in my opinion the procession is likely to provoke a riot; so long I shall continue to prohibit it ".

(14) That the matter was not pursued in the year 1923; on the 16th January 1924, the 'Swami(filed a petition before the present District Magistrate through his Counsel Mr.C.L. Thornton that he might be permitted to move in procession like any other members of the general public to enable him to enjoy his rights as a citizen of the Empire in accordance with the decree of the High Court in the Second appeals already noted. It may be - observed that the 'Swami' in the petition never prayed that he should be allowed to process ~~in~~ with the insignia of a 'Guru'.

(15) That the District Magistrate, thereupon, in his proceedings D. Dis C 1808/24-H2- dated the 10th October 1924, while cancelling that, the Sadar " Swami's " status as a Guru, and his right to bear the insignia of a ' Guru ' could be validly recognised only by the King, he wrongly arrogated to himself the position of a

local representative of the King in the District and stated that in that capacity, he recognised the ' Sadar ' Guru as a Guru " He also held in the same proceedings that as the Collector he was competent to recognise the Sadar Guru's insignia certain insignia and appealed to the contending parties to settle the question of the 'insignia' among themselves failing which he would do so himself.

(16) That again on 18/2/25 the ' Swami ' put in a second petition through the same counsel praying that the 'insignia' which he had to carry might be settled and also that the Deputy-Superintendent of the Police might be directed to issue the requisite license under 30 of the Indian Police Act V of 1861.

(17) That on 6/3/25, only two persons of the ' Panchachar ' Sect were present at the time of the hearing of the petition. They were asked by the District Magistrate whether they would oppose the procession; they stated that they objected to the ' Sadar Swami ' going in procession with the 'insignia' of a Guru as it would be injurious to the feelings of the members of their own ' Panchachar ' Sect. The Collector replied that he had already recognised him as a Guru and the only question outstanding was ~~the~~ to settle the question of his 'insignia.' Then the Panchachars said that the District Magistrate might act as he pleased and suggested that the other important leaders should be consulted; then. ~~with~~ their signatures to a piece of paper containing same thing written in English were taken. They emphatically deny that the Panchachar representatives ever consented to the proposal of the Collector in the matter.

(18) That thereupon the District Magistrate in his proceedings D. Dis C $\frac{1036/25}{6-3/25}$ A2 permitted the Swami to go in procession through the village of Uttangi with certain insignia specified by him: along a certain route prescribed by him on a date to be fixed by him. The Memorialists are informed that he has

since fixed the 19th of April for the conduct of the - procession.

(19) That being dissatisfied in the said order the Memorialists pray for the revision of the order on the following among other grounds:-

(i) It is not open to the Collector or the District - Magistrate to recognise any person as a ' Guru ' nor to invest him with any insignia pertaining to such a ' Guru ' This Could be establishedonly by the King and the Collector is in no sense his representative for the purpose.

(ii) The order of the District Magistrate is opposed to the final decree of the High Court passed in 1912 and also conflicts with the numerous orders of the Police and the Magistracy since 1890 which have been referred to in the previous paras.

(iii) The order in question goes far beyond the prayer in the petition itself filed on 10/1/1924 by the ' Sadur ' Sawami and is therefore ultra vires.

(iv) The proposed procession of the Sadur 'Swami' with the paraphernalia of a Guru would be highly repugnant, injurious and offensive to the feelings of the members of the Panchachar community which abound in numbers in them; There are only 30 houses of ' Sadur ' Community of which the ' Swami ' claims to be the Guru; While there are about 250 houses of the Panchachar Community. The village of Uttangi is a great centre of the Panchachar Community. This is in attempt to annoy and offend the feelings of the whole of Panchachar - Community in the whole of the Western Taluqs of the Bellary District. Among the Lingayat population in the said Taluqs there is only 5 per cent of it belonging to the Sadur Sect and remaining 95 per cent to the Panchachar Sect. The intended procession is a gross insult to the Head of the Ujjini Mutt, one of the well recognised Mutts in India.

(v) The intended procession is very likely to result in a serious riot and heavy blood-shed. The District Magistrate has entirely failed to apply his mind to this aspect of the case which is the only legitimate one under the circumstances.

(vi) It is entirely misleading for the District Magistrate that the ' Sadur ' Swami did forego any paraphernalia claimed by him. He has all along been claiming these 'insignia' and all of them have been conceded to him by the present order; it is equally misleading for him to suggest that the terms were arrived at as the result of a compromise after considerable sacrifice on the part of the 'Sadur' Guru. The Petitioner's strongly repudiate there was any compromise or settlement as to any matter; nor was there any bit of sacrifice on the part of the 'Sadur' Guru. Even assuming that the two representatives of the 'Panchachar Community present at the hearing agreed to the course proposed, it does not bind the other important leaders of the same community.

(vii) The proceedings in question ~~have~~ are full of false and misleading recitals of fact:

10-13 infra

They pray, therefore that the order of the District - Magistrate may be set aside and the proposed procession of the 'Sadar Swami' may be prohibited and that 'authoritative' orders may be passed by the Government restraining such processions in future; and that also pending the disposal of the petition interim orders may be passed for the staying for the procession now fixed for the 19th of April next.

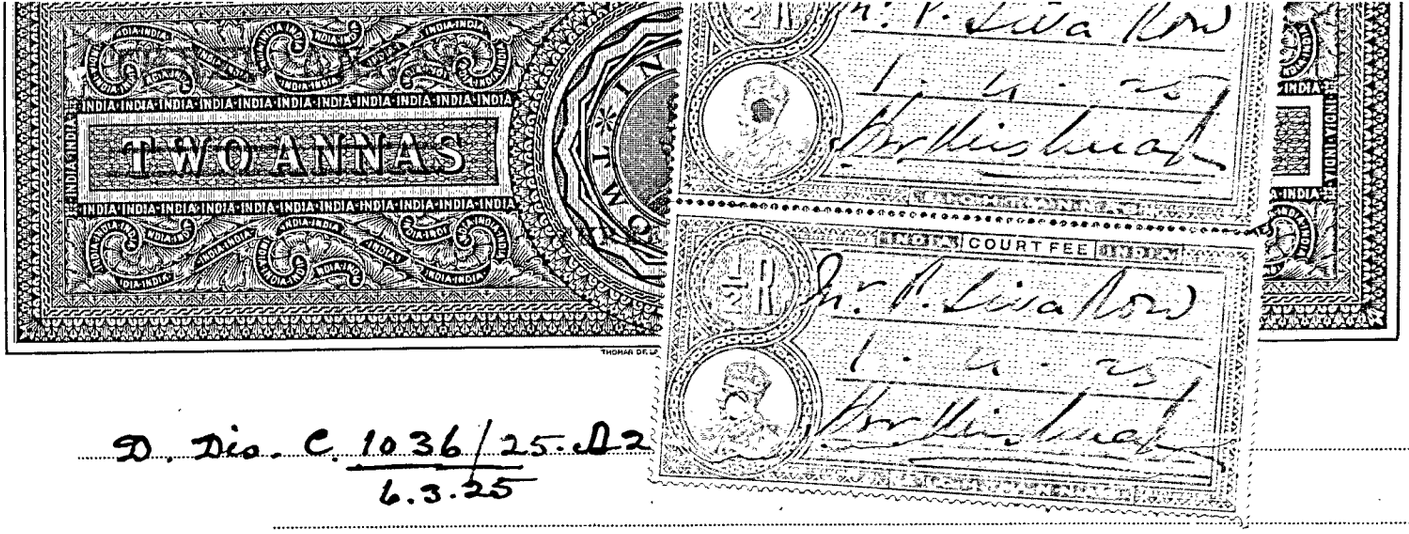
For which act of kindness, the petitioners shall ever pray for your Excellency's long life and prosperity.

They beg to remain,

Your Excellency's most obedient servants,

P. Swa Rao
Vakil for the petitioners

1/4/25
Madras Camp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D. Dis. C. 1036/25. A2
6.3.25

Proceedings of the Collector of Bellary
Dated 6-3-1925

Read: Petition dated 18.2.25 from the Agent to Government Swamigalavaru by E.St. Thornton Esqr. & T. Sankaralingam Pillay etc.

Order

The Panchachar & Sadars in Uttangi Bellary Taluk have not succeeded in coming to any agreement regarding the procession of the Sadar Guru through Uttangi. In my order dated 10.10.24, I undertook to assist them towards such an agreement if they wanted my help. I have now met representatives of both parties. The conclusion ~~we~~ arrived at is only with respect to the particular Village of Uttangi.

2. The Sadar Guru through his agent ~~has~~ has undertaken to forego certain of the paraphernalia in deference to the wishes

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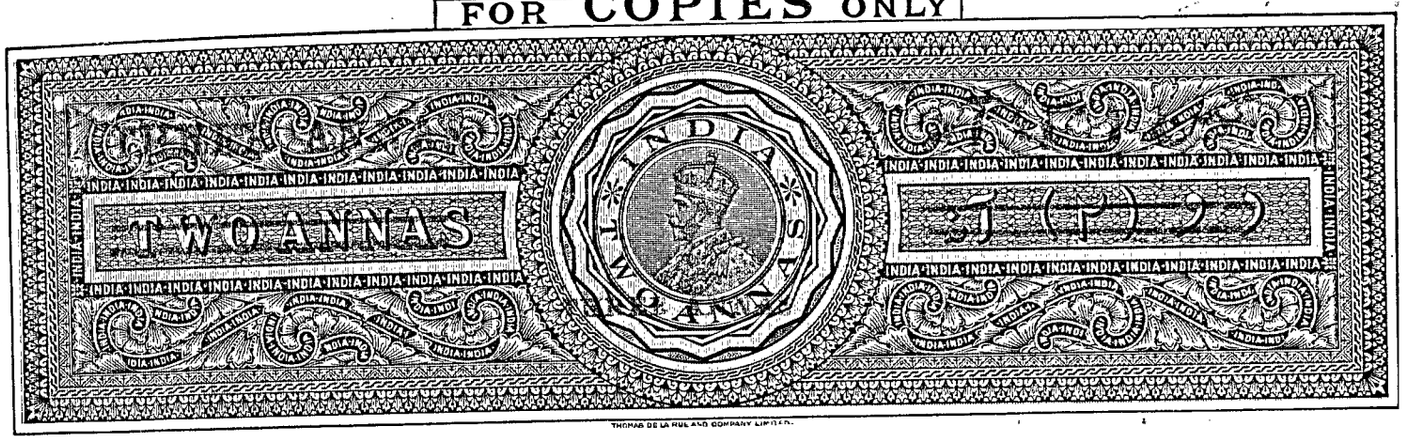

of the panchachar Community while conducting the procession through Uttangi. The two representatives of the panchachar Community Sriianagappa Son of Totappa and Karibasappa Son of Tippanna both of Uttangi have both given and signed Statements before me that they are agreeable to the proposals suggested by me though they cannot speak for other important leaders.

3. — It was agreed that the Sadarswami might proceed through Uttangi along the route prescribed dated last may by me Viz:—

From the Village well at the South East Corner of the Village along the Eastern Street Northwards as far as the well at the junction of that Street with the main street in which the large Hanuman — temple stands. Thence along this main Street Westwards as far as the Street leading to the tank thence out of the Village Northwards Via the Street — leading to the tank - and that he might

leave

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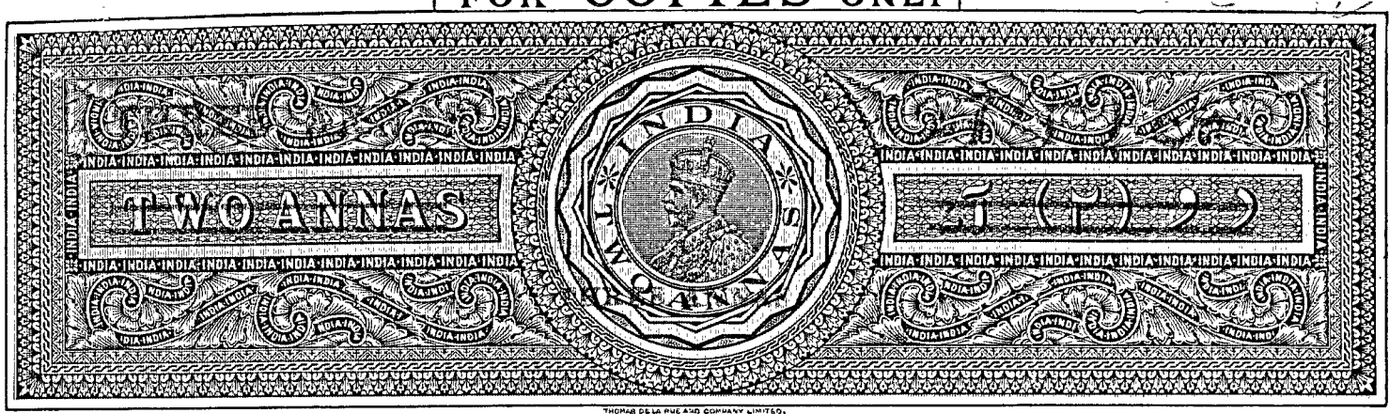

have with him for the procession the following paraphernalia —

1. Palleniquin (open)
2. Umbrella
3. Chamara.
4. Apthagiri
5. Nagani on bells.
6. Gaggiri Kattige
7. Makara Thoranam
8. Kalle
9. Pipes
10. One Elephant
11. Two horses. —

It is unnecessary to impress on both parties at length the great desirability of putting an end to the long standing dispute on the one hand, by conducting the procession quietly and in an orderly manner and avoiding by all means possible anything that might be even construed to be wanton provocation of the other party, and on the other hand by

56

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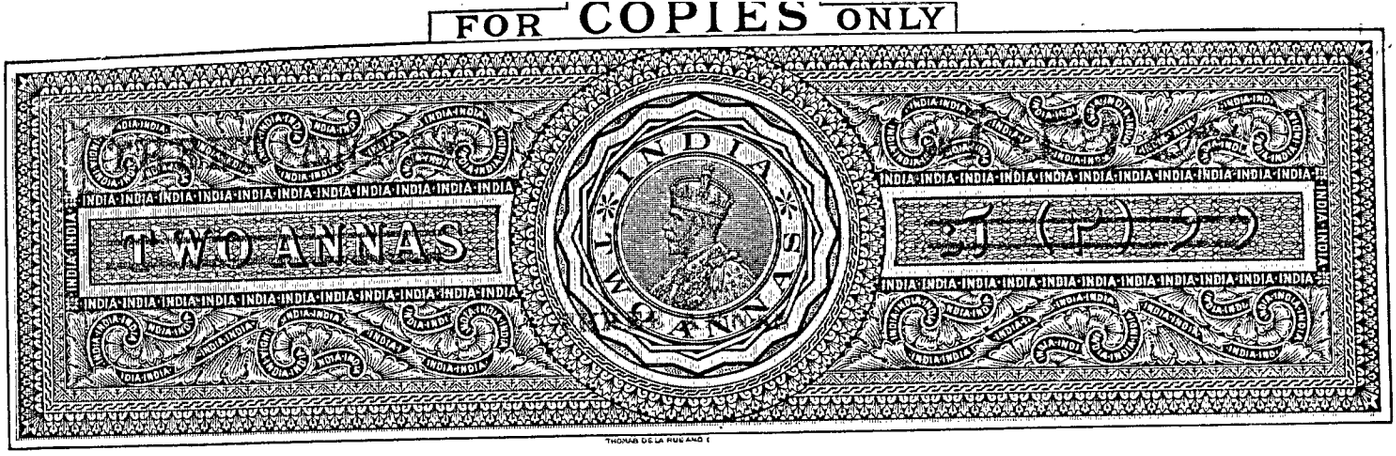

Very peaceful acquiescence in the Compromise the terms of which have been arrived at after Very Considerable Sacrifice by the Sadar Govt. —

Sd/ A. C. Duff
6/3/25 Collector

/ True Copy /

Sd/ [illegible]
for Collector
30 3 25

Sk 29/3 Yk 30/3.

Copied by S. Kasamuddin

Compared by V. Somasundaram Rao.
30/3

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Date of despatch 30.3.25

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Proceedings of the Collector of Bellary.

D.Dis.C. 1808/24-A/2. Dated. 10th October 1924.

Procession - by Pattada Swami of Sirigeri Mutt - obstruction caused by people at Uttangi - compromise necessary.
Petition dated 20-1-1924.

O r d e r.

Some 40 years ago there arose in Ujjini a dissenting sect of Lingayats now commonly called Sadar or Sadha Lingayats. A guru was set up at what is called the Tavalahalu Dodda Mutt in opposition to the Ujjini Guru and that Guru has a certain following. The sect does not appear to have any peculiar tenets, and the basis of the disagreement between the two parties seems as obscure as the basis of disagreement between the factions so common in villages in this district. The guru started a procession from his mutt quite a long time ago and reached a small village close to Uttangi in the Hadagalli Taluk. When he and his followers attempted to procession through Uttangi they were opposed by the Mutt larger Sect known as Panchacharas. Licenses to procession have been repeatedly applied for, have been refused, granted and revoked, and from time to time. Section 144 C.P.C. has been used on application or its use has been made to prevent such procession. The appeal to the magistracy and Police has always in the end been fruitless because magistrates and police have always quite rightly held that they are concerned with the maintenance of the peace, and that it is no business of theirs to "recognise" a Guru and to declare his right to the use of certain insignia. Resort also had to the Civil Courts. The Sadar Guru sued to establish his rights, the Panchacharas sued for an injunction to prevenut the Sadar Guru using the offending insignia. The final order of the Civil authorities is contained in the Judgment of the High Court in Second appeals Nos. 2496 and 2497 of 1913. I quote the most important sentences of that Judgment.

"The Plaintiffs (Guru of the Tavalahalu Mutt) title as a citizen of His Majesty (and not as a Head or alleged Guru or in any other religious capacity) to go in procession with any harmless paraphernalia should be declared in this suit x x x x no

is entitled like any other member of the General Public to move in procession through the public streets within the jurisdiction of the District Munsiff with any accompaniments subject always to such directions as the Magistrate may lawfully give to prevent obstacles of the thorough fare, and breaches of the public peace."

2. It is obvious that this judgment recognises nothing but a common right. It expressly denies recognition of any peculiar status and does not secure to the Guru and his followers one iota of what they really wanted. It followed perfectly logically that subsequent application to the local magistracy and police for [illegible] licenses to process were always dealt with from the point of view of expediency. Breach of the peace being anticipated license was refused. The [illegible] is as much an [illegible] as ever it was.

3. A District Magistrate qua District Magistrate is not the authority to grant recognition of a Guru. That position is self evident. Neither are Civil Courts the authority. Their position is solely that of interpreters of law, customs, and the evidence that is before them. It is obvious that a newly established sect has no evidence to support claims to rights & to the use of insignia, and a District Magistrate cannot recognise such claims nor can a Civil Court decree such claims. In this respect I venture to differ from my predecessor who in an order dated 23-4-20 said 'such decision must result from a trial by a competent Civil Court'. Now all the papers before me, and the discussion which was carried on at length when I camped at Uttangi in May 1924 show that a Guru's recognition is by the King. When the Panchachara talk about the rights of their Gurus as established "from time immemorial" they are [illegible], contradicting history The Lingayat sect only arose in the 12th Century. If the position of their Gurus could be recognised by the King from time to time in the past, If, in other words, Sectarians from the common Hindu faith could secure from the [illegible] the rights to use insignia and the recognition of the Gurus as their leaders, so can a sectarian Lingayat dissenting from the general body secure recognition today

It is observed, it is patently inconsistent in the case of the Lingayat sect, to claim that there can be no development and that no descents can ever secure recognition. The Panchachars admit that their Gurus received their recognition from the King. Today the Local representative of the King in the District is the District Collector. I recognise the Sadar Guru as a Guru.

4. There still remains the thorny question of insignia. When I visited Uttangi I saw no signs of compromise but I believed that there was a possibility of change, and I have deliberately waited. I hold that as Collector I am competent to recognise the Sadar Guru's right to use certain insignia. But in view of the spirit of compromise which I have reason to believe has within the last few days had birth I do not propose in this order to lay down what insignia will be allowed. I appeal once more to the leaders to attempt to settle that point themselves. If they can come to some agreement I shall recognise that agreement. If they want my help I am ready to meet them again.

for Collector.

K.K.R.18-10-24.

Parapathiagar Sivalingappa Ujjini Through the Tq. Magistrate Kudligi

Taluk Magistrate Kudligi.

Reddi of Uttangi.

Shanabhoga Sivanagappa of Ujjini Through the Tq. Magistrate Hadagalli.

Copy to T.R.Ry., N. Devendram Naidu Garu Pleader, Bellary.

Copy to the Sub Collector Hospet.

Copy to E.L.R. Thornton Esqr. Bar-At-Law, 16 Sunkuramachotty St, George Town, Madras.

10 copies.

Ref 80 1763/24

Forwarded

K.K. Nambiar
Tahsildar
23/10/24

Collector.

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de Médecine
le 10/10/24

In the court of the

Petn No. OF 1925.

BETWEEN: —

} *Paintiff. Appellants. Petitioners. Complainants.*

AND

} *Defendants. Respondents. Counter-Petitioners. Accused.*

Vakalatnama on behalf of

To

జిల్లా, తాలూకా,

గ్రామం కాపురస్థుడైన పైకనిన వకీలుకు

వ్రాయించి యిచ్చిన వకాల్తునామా :—

పైకనిన No. 192 . లోనును, సదినంబరు జరుగగల యేవిధమైన పుత్తరువులు లేక డిక్రిఅమూలుజారీ జరిగించే సందర్భములో సదిఅమూలుజారీ గ్రంథములలోనున్నూ జరుపవలసిన సకలమయిన వ్యవహారకార్యములనున్నూ పరమ్ముగా హాజరగుటకున్నూ, వాదించుటకున్నూ సకలమయిన కార్యములు జరిగించుటకున్నూ పైకని వకీలును నియమించుకొన్నా పైకనిన నంబరులో పుత్తరువు లేక డిక్రీపకారము రాతగినసకలవిధములయిన పరిహారమునున్నూ చెల్లింపబడుటవల్లగాని, లేక తృప్తికరముగా యితరరీతిగాని, సంపూర్ణముగా పరిష్కారమయ్యేవరకు, యీనంబరు నందించిన సకలమయిన చిల్లరవ్యవహారము (miscellaneous proceedings) లలోను పరముగా హాజరై సకలకార్యములు నెరవేర్చుటకున్నూ (2) కోర్టునుండి వాపసురాతగిన సకల మైన దస్తావేజులు తీసుకొనుటకున్నూ (3) కోర్టునుండిరాతగిన సకలబాబతు పైక ములు రాబడుటకున్నూ సహా పైకనిన వకీలుకు యిందువల్ల అధికారము యిచ్చియున్నా

ఇంతేకాక అవశ్యకమైనయెడల సదివకీలు తన తరుపు హాజరై సకలకార్యములు జరిగించను యితర వకీలును నియమింపను అధికారము యిచ్చియున్నా

పైనంబరులో యేర్పాటుచేసుకొనిన ఫీజు బాబతు యేభాగముగాని మీకు యివ్వక బాకి నిలిచియుండినయెడల సదివకీలు పరముగా పనిచేయను నిమిత్తములేదని యిందువల్ల వొప్పుకొనుచున్నా

గ్రామం. (కక్షిదారుని సంతకము లేక గుర్తు).

తేది

పాత్రులు :—

Kaumam Chimnappa

యీవకాల్తునామా నాయెదుట క్రమముగా దస్కతు చెయుడైనది.

20-3-25

Accepted
P Siva Rao
H.C. Vinkal
Bellari

1/11/25

18

Pub Deptt

C. No 1785

Endt No

Referred to the D. M., Bellary, for early report.

Sd
6.4.25

6/4/25

To

The Dy. Cs, Bellary
R.D. 6.4.25

I write cf in myl to be returned (with reply)

Note

Plean see D.C.Q in the linked file

6/4/25

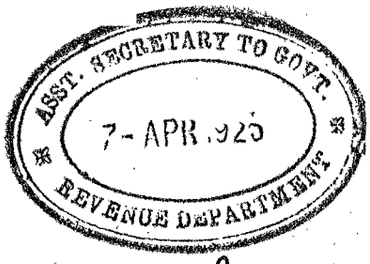
The DMs order is a 'proceeding' so I think only an appeal against it lies to the Govt. not to the High Court.

6.4.25

(A)

This is an appeal against an order of a 'Collector' - under the appeal should have been made to the Bd of Rev. Can it not be sent to the Bd's Rev. for disposal?

ALS
6.4.25

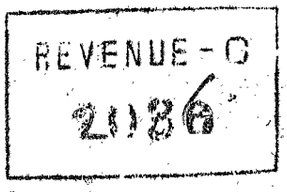


Rev cn Sub 1285-1
7.4.25
4/7/4

Rev Dept-

To Asst Secy

Though, as pointed out by CS, the petition is an appeal against an order by a Collector it relates to a religious dispute & is thus a matter to be dealt with in Judicial which deals with matters relating to Religious disputes". The question in the linked file which relates to the Coll's order on the subject was dealt with in Public. AS



Neither the Board of Revenue nor the Revenue Dept are, it is submitted concerned in the matter. The file may be returned to Jud. Dept

Th.4.25

Th.4.25

S.

P.9.6

[illegible]

CDP
10-4-25

[illegible]

CHIEF [illegible]
15 [illegible] : 5
GOVERNMENT OF [illegible]

Mr. Duff has evidently done his best to settle a long standing dispute which decrees of civil courts & orders of Magistrates had failed to settle satisfactorily.

The process in is to take place on the 19th April. Presumably the D.C. will take any steps necessary to prevent a breach of the peace.

A report may be obtained from the Collr but it seems unnecessary to issue any order

has no dealings with his orders

R 17/4

C 1.

The ball was set rolling by a question propounded by Mr. Siva Rao-(vide the linked file) in which occurred the sentence that "to-day the local representative of the King in the District is the District - Collector; I recognise the Sadar Guru as a "Guru" This purported to be a quotation from Mr. Duff's order. When I saw the question I realised that the only way that Government could get out of an -- awkward impasse is to say that they had no information about the matters referred to and I therefore approved of the draft answer to that effect. At the same time I stated in my note that Mr. Duff is assuming a terrible responsibility in the matter of recognising people as Gurus and I ventured to doubt whether His Excellency the Viceroy or even His Majesty the King will, consistently with expediency, initiate the custom of recognising religious Gurus as such save when civil rights are affected by -- reason of the status.

Now, a petition has been presented by way of appeal. In the forefront of paragraph 19 of the petition summarising the grounds of appeal is put the argument that "it is not open to the Collector or the District Magistrate to recognise any person as a 'Guru' or to invest him with any insignia pertaining to such a 'Guru'". It is undoubtedly so, and I think we must inform the Collector that it would create a very awkward, if not, dangerous - precedent for Collectors or even the Government to set about deciding on titles of persons to wear or travel about with insignias of spiritual supremacy. Nevertheless, the Government cannot interfere with

with reference to the actual procession from the point of view of law and order. If the proposed procession offends the sentiments of any community or portion thereof in such a manner that a breach of the peace may be legitimately apprehended, then it is a matter purely for the local magistracy to deal with and the Government cannot and ought not to interfere with the exercise of their undoubted jurisdiction. It is, ~~however~~, creditable to Mr. Duff that he achieved a compromise although it is clear from the proceedings themselves that the two representatives of the Panchachar sect apparently asserted that they cannot speak for other important leaders.

Mr. Duff may be addressed on these lines and he will be informed that while the Government do not desire to interfere with his discretion or to issue any order ~~interfering with~~ upsetting his arrangements, yet from the point of view of expediency and convenience as well as in order not to raise very troublesome questions affecting religious usages and rights, and in order also not to rouse the cry of the Government's infringing the doctrine of religious neutrality, it is as well that he refrains from attempts, however well-meant, to ~~lay down~~ define the proper insignia to be adopted by religious functionaries or ~~xx~~ the other ceremonial and religious details of processions. Mr. Duff need hardly be reminded that although in the early years of the last century the Government perforce took upon themselves the regulation of many matters appertaining to religious purposes, yet certainly from 1863 the Government divested themselves of all their jurisdiction over religious uses. It is unnecessary, I think, to enter into the extremely

complicated question of the inherent right of His - Majesty the King to grant, recognise or confer titles or insignia on religious magnates. His Majesty has exercised such powers undoubtedly in the case of religious dignitaries professing the Christian faith but I have not heard of any attempt on the part of His - Majesty or his representatives to adjudicate on such matters in regard to the professors of another faith than theirs. I am aware that in the early years of the British Government certain special honours such as the right to go about in a palanquin with a cross rod (a very inconvenient but apparently a dignified form of progress) and also the right to carry lighted -- torches in the day-time were conferred on heads of Mutts but these were secular honours conferred upon admittedly leading religious dignitaries.

D 17/4
Rec 23
R 18/4

I am writing at some length, because, though the present case is perhaps insignificant, the questions raised by the ads-j Mr. Duff are of great importance and may, if not -- settled once for all, land us in very difficult situations. It would undoubtedly be very embarrassing for His Excellency the Governor to be pestered ~~with~~ by rival Gurus claiming the right to carry particular - standards or banners or to decide on their rival rights of precedence in passing along the King's highway. I am sure the difficulty has only to be stated to be resolved in the only way possible now-a-days.

Please circulate to H.E. also.

E

CPR
17.4.25

H E

OPR
17.4.25

We need not write here to the Govt but Mr. Duff may be written to on the lines suggested.

CHIEF SECRETARY
18 APR 1925
GOVT. OF MADRAS

The Govt cannot
interfere with the discretion
of the Dom as to the maintenance
of peace & order. At the same
time they will hope not that
they cannot even themselves
with questions of ~~taste~~ ethics
religious rites or ~~practices~~ ethics
& inexpressible offences.

	Initials.	Date.
Received in Fair-copying Section.		
Copied		
Examined ...		
Signed		
Despatched ...		

Public Department

D.O.No.1785-1 dated 19.4.25

My dear Duff,

I am directed to refer to your Proceedings, D.Dis.C.1808/24-A/2 dated 10th October 1924 and D.Dis. C.1056/25-A/2 dated 6th March 1925 Guru of Ca regarding the claim of the 'Sadar' ~~XXXX~~ Lingayats to process through Uttangi.

An appeal against your orders was presented to the Government by Mr.P.Siva Rao, M.L.C. on behalf of certain petitioners. Orders are issuing to-day declining to interfere.

I am, however, to point out to you that you are assuming a great responsibility in the matter of recognising people as Gurus and that it would create a very awkward, if not a dangerous, prece-dent for Collectors or even the Government to set about deciding

the claims
on ~~titles~~ of persons to wear, or
travel about with, insignia of spiritual
supremacy. I am to remind you that
although in the early years of the
last century, the Govt. perforce took
upon themselves the regulation of
many matters appertaining to religious
purposes, yet certainly from 1863
the Govt. divested themselves of all
their jurisdiction over religious uses.
It is unnecessary to enter into the
extremely complicated question
of the inherent right of His Majesty the
King to grant, recognise or confer
titles or insignia on religious
magnates. His Majesty exercises
such powers undoubtedly in the case
of religious dignitaries professing
the Christian faith, but the Govt
are not aware of any attempt on the
part of His Majesty or his representatives
to adjudicate on such matters in
regard to ~~the professors of~~ King who profess another
faith ~~then their own~~. It is true

	Initials.	Date.
Received in Fair-copying Section.		
Copied		
Examined ...		
Signed		
Despatched ...		

that in the early years of the Br. in India Govt. certain special honours such as the right to go about in a palanquin with a cross rod ~~and also the~~ or right to carry lighted torches in the day-time were conferred on heads of Mutts, but these were secular honours conferred upon admittedly leading religious dignitaries.

Here insert A

The Govt. consider it creditable to you that you have achieved a compromise in this particular matter although it is clear from your proceedings that the two representatives of the Panchachar sect apparently asserted that they could not speak for other important leaders; while the Govt. do not desire to interfere with your discretion or to issue any order upsetting your arrangements, yet, from the point of view of expediency and convenience as well as in order not to raise very troublesome ques-

tions

affecting religious usages and rights, and in order also not to rouse the cry of the Government's infringing the doctrine of religious neutrality, it is as well that you refrain from attempts, however well-meant, to define the proper insignia to be adopted by religious functionaries or the other ceremonial and religious details of processions.

(the Government consider that it would be as well that you should refrain from attempts)

The Govt. cannot interfere with your discretion as District Magistrate with reference to the actual procession now under consideration, from the point of view of Law and Order. If the proposed procession offends the sentiments of any community or portion thereof in such a manner that a breach of the peace may be legitimately apprehended, then it is a matter purely for the local magistrates to deal with and the Govt. will not interfere with the exercise of their undoubted jurisdiction.

A

Desp 14/4/14

To

A.C. Duff Esq., I.C.S.,
Collr of Bellary

Public DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Rivalry between 'Ujjini' Mutt in Bellary Dt & 'Taraka Bala Mutt' in Mysore — Appeal against the order of the D.M. Bellary supporting the latter Mutt — Interference declined

27

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ....., " ..... 192 .

READ ALSO;—

C. No. ....., From the ....., No ....., dated 192

" " ..... " " ....., " ....., " 192

" " ..... " " ....., " ....., " 192

ORDER.

No. 360, dated 19. 4 — 1925.

Mis.

The Government do not concern themselves with questions of religious rites and the insignia of gurus; at the same time they cannot interfere with the discretion of the District Magistrate as to the maintenance of peace and order in his district. The Govt. are therefore not prepared to interfere with the order appealed against.

To,

M.R.Ry P. Siva Rao Garu, M.L.C. Vakil, Bellary

with refce to the petn of 1.4.25 from the Panchamdars 'Lingayats of the village of Uttangi Bellary Dt.

Copy to the D.M. Bellary

Dd Two Rs 20/4

Dd 19.4.25

30

Coming before Question

Mr. Sivan Pillai.

THE PANJAB Legislature.

349. Will the Hon. the Home Member be pleased to state—

(a) whether his attention has been drawn to the following remarks of Mr. A.J. Lyall, the Collector of Bellary in his proceedings D.Dis C.1808/34-A-2 dated the 18th of October 34 regarding the application made by the alleged Pattadaswami of Mirjapuri out for a license to go in procession through the village of Uttangi in the same district with certain paraphernalia;—

"A District Magistrate in a District is not the authority to grant recognition of a 'Guru'. Neither are Civil Courts the authority. The Panchacharas admit that their Gurus received their recognition from the King. To-day the local representative of the King in the District is the District Collector; I recognise the Sadar Guru as a 'Guru'. I hold that as Collector I am competent to recognise the Sadar Guru as a 'Guru'."; and

(b) whether the views of the Collector above quoted are correct and he is justified in arrogating to himself the position of the King's local representative in the district?

V.B.

Law Dept. III-8—4,000—1-12-24.

QUESTION.—No. 849 for the meeting of the Legislative Council to be held on the 3rd Feb. 1925

CURRENT NO. 098 PUBLIC

SUBMITTED that two copies of this Question may be forwarded to the Public Department.

26 JAN 1925

The Question has been admitted.

U.O. No. dated

To

The Public Department.

Public Depn

Submitted for orders as to the answer to be given.
No information is available here.

The question is Mr Siva Rao

Answer may be

The Govt have no information about the matter

OFFICE OF THE SECRETARY TO GOVT. OF MADRAS 27 JAN 1925

Mr. P.Siva Rao.

Question No. 349.

Will the Hon'ble the Law Member be pleased to state:-

(a) whether his attention has been drawn to the following remarks of Mr.A.C.Duff, the Collector of Bellary in his proceedings M.Dis.C.1803/24-A-2 dated the 15th of October 1924 regarding the application made by the alleged Pattadaswami of Sirivori Mut for a license to go in procession through the village of Uttangi in the same district with certain paraphernalia:-

"A District Magistrate in a District is not the authority to grant recognition of a 'Guru'. Neither are Civil Courts the authority. The Punchacharas admit that their Gurus received their recognition from the King. To-day the local representative of the King in the District is the District Collector; I recognise the Sadar Guru as a 'Guru'. I hold that as Collector I am competent to recognise the Sadar Guru as a 'Guru'"; and

(b) whether the views of the Collector above quoted are correct and he is justified in arrogating to himself the position of the King's local representative in the district?

Public Department

A N S W E R.

(a) and (b) The Government have no information about the matter referred to.

(By Order)

Deputy Secretary.

Fort St.George,
29th January 1925.

To the Council Office.

(The above answer has been approved by the Hon'ble Mr.C.P.Ramaswami Ayyar,C.I.E.)

RECEIVED
29 JAN 1925

Certain remarks of the Collector of Bellary on an application for licence for a procession.

136 Q.—Mr. P. Siva Rao: Will the hon. the Law Member be pleased to state—

(*a*) whether his attention has been drawn to the following remarks of Mr. A. C. Duff, the Collector of Bellary, in his proceedings D. Dis. C No. 1808/24-A-2, dated the 15th of October 1924, regarding the application made by the alleged Pattadaswami of Srigeri mut for a licence to go in procession through the village of Uttangi in the same district with certain paraphernalia:

"A District Magistrate in a district is not the authority to grant recognition of a 'Guru'. Neither are civil courts the authority. The Punchacharas admit that their Gurus received their recognition from the King. To-day the local representative of the King in the district is the District Collector; I recognize the Sadar Guru as a 'Guru'. I hold that as Collector I am competent to recognize the Sadar Guru as a 'Guru';" and

(*b*) whether the views of the Collector above quoted are correct and he is justified in arrogating to himself the position of the King's local representative in the district?

A.—(*a*) & (*b*) The Government have no information about the matter referred to.

Order No 2 25

Recorded

These papers may perhaps be stitched with Go No 360 Pub dy 19. 4. 25 (below) It seems unnecessary to record them separately